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FEDERAL REGISTER

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Washington, Saturday, September 30, 1939

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

FARM CREDIT ADMINISTRATION

[F.C.A. 146]

AUTHORITY, AND DESIGNATION OF ORDER OF PRECEDENCE, OF DEPUTY GOVERNOR, EXECUTIVE OFFICER, GENERAL COUNSEL, DIRECTOR OF FINANCE AND ACCOUNTS, AND ASSISTANT TO THE GOVERNOR TO ACT AS GOVERNOR IN THE ABSENCE OF THE LATTER

Sec. 3.1 of Title 6, Code of Federal Regulations,[1] is amended to read as follows:

"§ 3.1 *Authority, and designation of order of precedence, of Deputy Governor, Executive Officer, General Counsel, Director of Finance and Accounts, and Assistant to the Governor to act as Governor in the absence of the latter.* Gerald E. Lyons, Deputy Governor, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor is unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

"W. H. Droste, Executive Officer, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor and Deputy Governor Lyons are both unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

"Peyton R. Evans, General Counsel, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor, Deputy Governor Lyons, and Executive Officer Droste are unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

"W. J. Snow, Jr., Director of Finance and Accounts, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor, Deputy Governor Lyons, Executive Officer Droste, and Peyton R. Evans, General Counsel, are unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

"Arthur T. Esgate, Assistant to the Governor, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor, Deputy Governor Lyons, Executive Officer Droste, Peyton R. Evans, General Counsel, and W. J. Snow, Jr., Director of Finance and Accounts, are unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause. (E.O. 6084, March 27, 1933, 6 CFR 1.1 (12)) [F.C.A. Order No. 267, September 28, 1939]"

[SEAL] F. F. HILL,
Governor.

[F. R. Doc. 39-3606; Filed, September 29, 1939; 12:01 p. m.]

[1] 4 F.R. 3591 DI.

TITLE 7—AGRICULTURE

FEDERAL SURPLUS COMMODITIES CORPORATION

AMENDMENTS TO "REGULATIONS AND CONDITIONS GOVERNING THE ISSUANCE OF FOOD ORDER STAMPS, ESTABLISHING THE ELIGIBILITY OF THE HOLDERS THEREOF TO RECEIVE AGRICULTURAL COMMODITIES OR THE PRODUCTS THEREOF AND PROVIDING FOR THE PAYMENT OF CLAIMS MADE BY RETAILERS OF SUCH COMMODITIES AND PRODUCTS"

Sections 200 and 300 (c) of "Regulations and Conditions Governing the Issu-

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FEDERAL REGISTER

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ance of Food Order Stamps, Establishing the Eligibility of the Holders Thereof to Receive Agricultural Commodities or the Products Thereof and Providing for the Payment of Claims Made by Retailers of Such Commodities and Products", made and prescribed by the Secretary of Agriculture on April 21, 1939, and amended on April 27, 1939 and July 12, 1939,[1] are hereby further amended as follows:

(1) Section 200 is amended by inserting after the words "total minimum value of", in the first sentence thereof, the word "approximately";

(2) Section 300 (c) is amended by striking the period and inserting in lieu thereof the following:

"or established retail trade routes in dairy or bakery products."

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 29th day of September, 1939.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-3612; Filed, September 29, 1939; 12:24 p. m.]

AGRICULTURAL ADJUSTMENT ADMINISTRATION

[R. C. P. 40]

PART 705—1940 RANGE CONSERVATION PROGRAM BULLETIN*†

CONTENTS

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Payment will be made for participation in the 1940 Range Conservation Program in accordance with the provisions hereof and such modifications thereof as may hereafter be made.

§ 705.101 *Rates of range-building payments.* Within the limits of the range-building allowance and subject to the conditions hereinafter set forth, payment will be made for carrying out on range land in 1940 such of the range-building practices listed in this section as are recommended for the State by the State committee and approved by the Regional Director, and as are approved by the county committee for the ranching unit prior to their institution. The payments listed below are the maximum payments allowable, and the payment for any practice included may, for any State or area within a State, be adjusted downward by the State committee with the approval of the Agricultural Adjustment Administration in order to reflect relatively lower costs or relative desirability of the practice.

Practices and Conditions of Payment—Rate of Payment

Reseeding of Range Land

(a) *Natural reseeding by deferred grazing and supplemental practices.* Withholding 25 percent of the range land in the ranching unit from grazing for the normal period from the start of forage growth to seed maturity, which period will be determined by the State committee with the approval of the regional director, provided that (1) the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock or on ranching units used exclusively for grazing sheep or goats (and, in areas designated by the regional director upon recommendation of the State committee, cattle or horses) the entry of livestock on the non-grazed acreage is prevented by herding or other specified methods, (2) the remaining range land in the ranching unit is not pastured to such an extent as will decrease the stand of grass or injure the forage, tree growth, or watershed, (3) such practice shall not be applicable to range land in the ranching unit which normally is not used for grazing, (4) the ranch operator has submitted to the county committee in writing the designation of the non-grazing range area previous to the initiation of such practice, and (5) the ranch operator complies with such other conditions or specifications as shall be established by the county committee with the approval of the State committee as are needed in the interest of range conservation. *Rate:* 75 percent of that part of the range-building allowance which is computed under section 705.102 (a): *Provided,* That (1) if grazing is deferred on less than 25 percent of the range land in the ranching unit the payment shall be 3 percent for each 1 percent of the range land included in such practice; and (2) that payment shall not exceed the value of practices carried out which are designated by the county committee in accordance with instructions issued with the approval of the Agricultural Adjustment Administration and for which payment otherwise will not be made, except that in areas designated by the Agricultural Adjustment Administration as areas where only limited supplemental practices are required or are otherwise provided for, payment shall not exceed 40 percent (or if grazing is deferred on less than 25 percent of the range land in the ranching unit 1.6 percent for each 1 percent of the range land included in such practice) of the allow-

[1] 4 F.R. 3133 DI.

*Sections 705.101 to 705.116 are issued under the authority contained in Sections 7 to 17, as amended, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205; 53 Stat. 550, 573; 16 U.S.C., Sup. IV, 590g–590q.

†The source of Sections 705.101 to 705.116 is R.C.P. 40, AAA, September 28, 1939.

ance computed under section 705.102 (a) by more than the value of such practices carried out on the ranching unit.

(b) *Artificial reseeding.* For reseeding depleted range land, including mountain meadow land, with good seed of adapted varieties of range grasses, legumes or forage shrubs. *Rate:* $0.20 per pound of seed sown, but not in excess of $2.00 per acre.

(c) *Artificial sodding.* For resodding depleted range land with adapted varieties of range grasses. *Rate:* $3.00 per acre.

Erosion and Runoff Control

(d) *Contour listing, furrowing, or subsoiling.* For listing, furrowing, or subsoiling range land, including mountain meadow land, on the contour. *Rate:* 2.5 cents per 100 linear feet.

(e) *Contour ridging.* For ridging range land on the contour. *Rate:* $0.10 per 100 linear feet.

(f) *Spreader dams and terraces.* For constructing spreader dams and spreader terraces alone or in combination with each other for the diversion of surface water to prevent soil washing of range land, including mountain meadow land:

(1) Spreader dams: $0.15 per cubic yard of material moved.

(2) Spreader terraces: $0.50 per 100 linear feet.

Development of Stock Water on Range Land

(g) *Earthen tanks or reservoirs.* For constructing reservoirs or earthen tanks with spillways adequate to prevent dams from washing out, for the purpose of providing water for range livestock. *Rate:* $0.15 per cubic yard of material moved not in excess of 5,000 cubic yards, and $0.10 per cubic yard of material moved in excess of 5,000 cubic yards for each tank or reservoir.

(h) *Concrete or rubble masonry dams.* For constructing concrete or rubble masonry dams in rough or broken areas (where earthen dams or reservoirs are impracticable and where there is no possibility of using the masonry dam for irrigation), for the purpose of providing water for range livestock. *Rate:* $6.00 per cubic yard of concrete or rubble masonry.

(i) *Wells.*

(1) For drilling or digging wells with casing not less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. Payment will not be made for a well developed at any ranch headquarters. *Rate:* $2.00 per linear foot.

(2) For drilling wells with casing less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir or for drilling an artesian well for the purpose of providing water for range livestock provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or trough. Payment will not be made for a well developed at any ranch headquarters. *Rate:* $1.00 per linear foot.

(j) *Development of natural watering places.* For developing springs or seeps for the purpose of providing water for range livestock, provided the source is protected from trampling, and at least 20 cubic feet of available water storage is provided, and provided further, that the total cost of development is not less than $20.00. *Rate:* $0.30 per cubic foot in soil or gravel and $0.50 per cubic foot in rock formation for excavation of source, provided the minimum payment will be $20.00 and the maximum payment $100.00 for any single development.

Planting and Maintaining a Stand of Trees

(k) *Tree planting.* Planting of trees on range land, provided that the trees are planted in 1940 prior to November 1; that the number, kind, and age of trees planted and methods of planting and growing of such trees are in accordance with approved specifications; and that the acreage planted to trees is fenced and the fence is maintained sufficiently to prevent entry of livestock. *Rate:* $7.50 per acre.

(l) *Cultivating and maintaining a stand of trees.* Cultivating, protecting, and maintaining, by replanting, if necessary, a full stand of at least 500 trees per acre of forest planting, or 200 trees per acre of windbreak or shelterbelt plantings, planted on range land between July 1, 1935, and July 1, 1940. *Rate:* $3.00 per acre.

Conservation of Range Lands Through Elimination of Destructive Plants

(m) *Prickly pear and cactus.*

(1) Light infestation: $0.50 per acre.
(2) Medium infestation: $0.75 per acre.
(3) Heavy infestation: $1.00 per acre.

(n) *Mesquite.*

(1) Light infestation: $0.50 per acre.
(2) Medium infestation: $1.00 per acre.
(3) Heavy infestation: $2.00 per acre.

(o) *Cedar.*

(1) Light infestation: $0.75 per acre.
(2) Medium infestation: $1.00 per acre.
(3) Heavy infestation: $1.50 per acre.

(p) *Lechuguilla.*

(1) Heavy infestation: $0.50 per acre.

(q) *St. John's Wort.*

(1) Medium infestation: $2.00 per acre.

(r) *Sagebrush.*

(1) Heavy infestation: $0.50 per acre.

Provided, That if the county committee determines the elimination of destructive plants under any of practices (m) to (r), inclusive, will reduce the vegetative cover to such an extent as to encourage increased soil erosion, the use of practice (b), Artificial reseeding, shall also be required where soil and climatic conditions permit.

(s) *Destruction of noxious plants by mowing: Provided,* That payment will not be made if the plants mowed are used for hay or sold for any purpose. Payment will not be made for mowing a greater number of times than the county committee, with the approval of the State committee, finds is necessary for destruction of the noxious plants. *Rate:* $0.25 per acre.

Fire Guards

(t) *Fire guards.* For the establishment on range land of fire guards not less than 10 feet in width by plowing furrows or otherwise exposing the mineral soil. Payment will not be made if any fire guard is used in connection with controlled burning within the ranching unit. *Rate:* $0.05 per 100 linear feet.

§ 705.102 *Range-building allowance—*(a) *Acreage and grazing capacity.* In Texas, Oklahoma, Kansas, Nebraska, South Dakota, and California, the range-building allowance shall be 2 cents per acre of range land in the ranching unit plus $1.00 times the grazing capacity of the range land; and in Arizona, New Mexico, Nevada, Utah, Colorado, Washington, Oregon, Idaho, Montana, Wyoming, and North Dakota, the range-building allowance shall be 3 cents per acre of range land in the ranching unit plus 75 cents times the grazing capacity of the range land: *Provided, however,* That in either area the grazing capacity item shall not be calculated on more than one animal unit for each 10 acres of range land in the ranching unit, and the acreage item shall not be calculated on more than 60 acres for each animal unit of grazing capacity established for the ranching unit: *Provided further,* That the amount computed under this paragraph shall not be less than 10 cents times the number of such acres or 640 acres, whichever is smaller.

(b) *Mountain meadow land.* In addition, the range-building allowance shall include 35 cents times the number of acres of mountain meadow land in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit. The counties in which this additional allowance is made shall be those mountain counties in the Western Region for which, upon the basis of the recommendations of the county and State committees, the regional director determines the reseeding and erosion control practices specified in Section 705.101 to be necessary and effective in promoting range conservation: *Provided, however,* The mountain meadow land for which this additional allowance is made shall not be considered in calculating the portion of the range-building allowance provided for in paragraph (a).

§ 705.103 *Conditions of payment*—(a) *Promotion of conservation and good range management.* Payments for carrying out range-building practices are conditioned upon the adoption or maintenance of conservative range management practices designed to secure or maintain a good stand of grass or other palatable forage plants and in bringing about such use of the forage resources of the ranch as will most effectively carry out the purposes of the Soil Conservation and Domestic Allotment Act. Payments under the 1940 Range Conservation Program will be made only with respect to those ranching units on which the county committee certifies that such range management practices have been followed. The range-building practices approved by the county committee for any ranching unit shall be practices which the county committee finds are needed on the ranch in order to promote conservation and good range management.

(b) *Payments limited to range-building allowance.* The range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit. Payment will be made only if range-building practices are carried out according to specifications recommended by the State committee and approved by the regional director. Payments made for carrying out range-building practices shall not be subject to the provisions of Section 701.101 of the 1940 Agricultural Conservation Program Bulletin.

(c) *State or Federal aid.* No payment will be made for practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration, or for practices with respect to which a portion of the labor, seed, trees, or other materials used in carrying out such practices is furnished by a State or Federal agency other than the Agricultural Adjustment Administration, if such portion represents one-half or more of the total cost of carrying out such practices. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents less than one-half of the total cost of carrying out such practice, payment will be made for such practice at one-half of the rate specified in Section 705.101: *Provided*, That labor, seed, trees, and materials furnished to a State, political subdivision of a State, or any agency thereof by an agency of the same State shall not be deemed to have been furnished by "any State * * * agency" within the meaning of this paragraph. Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency. No payment will be made for the planting and protection of forest trees planted under a cooperative agreement entered into with the Forest Service in connection with the Prairie States Forestry Project.

§ 705.104 *Changes in leasing arrangements and other devices.* No payment will be made to any person who has for 1940 made any change from the 1939 leasing arrangements of range land for the purpose of, or which would have the effect of, diverting to such person any payment to which any lessee would be entitled if the 1939 leasing arrangements of such range land were in effect for 1940. If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1940 Range Conservation Program has made any change from the 1939 leasing arrangements of such range land or has employed any other scheme or device whatsoever for the purpose of, or which would have the effect of, depriving any other person of any payment or share therein to which such other person otherwise would be entitled, the Secretary may withhold in whole or in part from the person participating in such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or otherwise would be made to such person for performance in connection with the 1940 Range Conservation Program.

§ 705.105 *Eligibility for payment*—(a) *Persons eligible to file application.* Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators, provided they all signify in the application for the range-building payment a per centum of the total payment to be made to each ranch operator. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment the county committee shall determine the percentage share of each ranch operator and payment of his percentage share will be made to each ranch operator applying for payment in accordance with such determination.

(b) *Time and manner of filing application and information required.* Payment will be made only upon application submitted through the county office, on or before a date fixed by the regional director but not later than March 31, 1941. The Secretary reserves the right (1) to withhold payment to any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

(c) *Excess cotton acreage.* Any person who makes application for payment with respect to any ranching unit located in a county in which cotton is planted in 1940 shall file with such application a statement that the applicant has not knowingly planted or caused to be planted during 1940 cotton on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1940 and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton on his farm in 1940 on acreage in excess of the cotton acreage allotment established for the farm for 1940 shall not be eligible for any payment under the provisions of the 1940 Range Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1940 on acreage in excess of the cotton acreage allotment for the farm for 1940 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

§ 705.106 *Payment restricted to effectuation of the purposes of the program.* All or any part of any payment which otherwise would be made to any person under the 1940 Range Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous range conservation programs, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which the regional director finds is contrary to sound conservation practices.

No payment will be made to any person if it is determined in accordance with instructions issued by the Agricultural Adjustment Administration that, with respect to any ranch which he owns or operates, the stand of grass has been decreased or the forage, tree growth or watershed has been injured by overgrazing in 1940.

§ 705.107 *Payments computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in Section 705.111),

and without regard to any claim or lien against any crop or livestock, or proceeds thereof, in favor of the owner or any other creditor.

§ 705.108 *Increase in small payments.* The total payment computed for any person with respect to any ranching unit shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to $1.00;

(2) Any payment amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent;

(3) Any payment amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	*Increase in payment*
$1.00 to $1.99	$0.40
$2.00 to $2.99	0.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	(1)
$200.00 and over	(2)

[1] Increase to $200.00.
[2] No increase.

§ 705.109 *Payments limited to $10,000.* The total of all payments made in connection with programs for 1939 under Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, Territory, or possession, shall not exceed the sum of $10,000 prior to deduction for association expenses in the county or counties with respect to which the particular payment is made. The total of all payments made in connection with programs for 1939 under Section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership or estate with respect to farms, ranching units and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of $10,000 prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 Agricultural Conservation Program, including the Range Conservation Program, may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

§ 705.110 *Deductions for association expenses.* There shall be deducted pro rata from the payments with respect to any ranching unit all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the ranching unit is located.

§ 705.111 *Assignments.* Any person who may be entitled to any payment in connection with the 1940 Range Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No such assignment will be recognized unless the assignment is made in writing on Form ACP–69 in accordance with instructions (ACP–70) issued by the Agricultural Adjustment Administration and unless such assignment is entitled to priority as determined under the instructions governing the recording of such assignments issued by the Agricultural Adjustment Administration.

Nothing contained in this Section 705.111 shall be construed to give an assignee a right to any payment other than that to which the ranch operator is entitled nor (as provided in the statute) shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the ranch operator without regard to the existence of any such assignment.

§ 705.112 *Establishment of grazing capacities.* There shall be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received on or before a date established by the regional director as affording reasonable opportunity for the filing of such applications. In determining grazing capacity, consideration shall be given to the following: (a) composition, palatability, and density of forage growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) presence or absence of rodents and poisonous plant infestations; and (f) number and classes of livestock previously carried. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit established by the Agricultural Adjustment Administration on the basis of available statistics.

§ 705.113 *Appeals.* Any person may within 15 days after notice thereof is forwarded to or available to him request the county committee in writing to reconsider its recommendation or determination in any of the following matters respecting any ranching unit in which he has an interest: (a) eligibility to file an application for payment, (b) grazing capacity established for the range land in such ranching unit, or (c) any other matter affecting the right to or the amount of his payment with respect to the ranching unit. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, having an interest in the operation of the ranching unit, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, having an interest in the operation of the ranching unit, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

§ 705.114 *State and regional bulletins, instructions and forms.* The Agricultural Adjustment Administration is hereby authorized to make such determinations and to prepare and issue such State and regional bulletins, instructions, and forms as may be required pursuant to the provi-

sions hereof in administering the 1940 Range Conservation Program.

§ 705.115 *Definitions.* For the purposes of the 1940 Range Conservation Program unless the context otherwise requires:

Secretary means the Secretary of Agriculture of the United States.

North central region means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

Southern region means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

Western region means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

Regional director means the director of the division of the Agricultural Adjustment Administration in charge of the Agricultural Conservation Programs and the Range Conservation Programs in the Region.

State committee means the group of persons designated for any State to assist in the administration of the Agricultural Conservation Programs and the Range Conservation Programs in such State.

County committee means the group of persons elected for any county to assist in the administration of the Agricultural Conservation Programs and the Range Conservation Programs in such county.

Person means an individual, partnership, association, corporation, estate, or trust, and wherever applicable a State, a political sub-division of a State, or any agency thereof.

Range-building payment means a payment for the carrying out of one or more approved range-building practices.

Range-building allowance means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

Ranch operator means a person who as owner, cash tenant, or share tenant operates, or a person who acts in similar capacity in the operation of a ranching unit in 1940.

Range land means any land in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage grazed by range livestock, without cultivation or general irrigation. Range land shall not include public domain of the United States including lands owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States: *Provided,* That in States or areas where the range conservation program is applicable and is not combined with the Agricultural Conservation Program all noncrop open pasture land shall be classified as range land upon recommendation of the State committee and approval of the Agricultural Adjustment Administration.

Ranching unit means all range land which is used in 1940 by the ranch operator as a single unit in producing range livestock, with machinery, workstock, and labor substantially separate from that of any other range land. In order to facilitate the administration of the program the Regional Director may prescribe that for the purposes of this program tracts shall be deemed ranching units only if they contain more than the minimum acreage of range land fixed by him. A ranching unit shall be regarded as located in the county in which its principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the ranching unit is located.

Animal unit means one cow, one horse, five sheep, or five goats, or the equivalent thereof.

Grazing capacity of range land means the number of animal units which such land will sustain, on a 12-month basis, over a period of years without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree growth, or watershed.

§ 705.116 *Authority, availability of funds, and applicability*—(a) *Authority.* Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, and in connection with the effectuation of the purposes of Section 7 (a) of said Act in 1940, the payments provided for herein will be made for participation in the 1940 Range Conservation Program.

(b) *Availability of funds.* The provisions of the 1940 Agricultural Conservation Program, including the Range Conservation Program, are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purpose, and the amounts of such payments will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation. Any increase or decrease in rates of payment made because of the extent of participation in the Range Conservation Program will not exceed 10 percent.

(c) *Applicability.* The provisions of the 1940 Range Conservation Program contained herein, except Section 705.109, are not applicable to (1) Hawaii, Puerto Rico, and Alaska; (2) counties for which special range programs under said Act are approved for 1940 by the Secretary; and (3) public domain of the United States, including land owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

(d) *Combination with agricultural conservation program.* The Range Conservation Program may be combined with the Agricultural Conservation Program for 1940 in any State or area upon recommendation of the State committee and the approval of the Agricultural Adjustment Administration, in which case range land shall be treated as noncrop pasture and the range-building practices shall be treated as incorporated in the agricultural conservation program.

Done at Washington, D. C., this 28th day of September, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-3605; Filed, September 29, 1939; 12 m.]

DIVISION OF MARKETING AND MARKETING AGREEMENTS

ORDER MAKING EFFECTIVE AMENDMENT NO. 1 TO ORDER NO. 27 REGULATING HANDLING OF MILK IN NEW YORK METROPOLITAN MARKETING AREA

Whereas, H. A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, issued, on September 12, 1939, amendment No. 1 to Order No. 27[1] regulating the handling of milk in the New York Metropolitan marketing area, said amendment to become effective at such time as the Secretary might subsequently declare; and

Whereas, the requirements of section 8c (9) of the act have been complied with:

Now, therefore, H. A. Wallace, Secretary of Agriculture of the United States, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, hereby declares that said amendment No. 1 to Order No. 27 regulating the handling of milk in the New York Metropolitan marketing area shall be effective on and after 12:01 a. m., e. s. t., October 1, 1939, and hereby orders that from said date such handling of milk produced for sale in the New York Metropolitan marketing area as is in the current of interstate commerce or as directly burdens, obstructs, or affects interstate commerce, shall, from such effective date, be in conformity

[1] 4 F.R. 3901 DI.

to and in compliance with the terms and conditions of Order No. 27, as amended by said amendment No. 1.

In witness whereof, H. A. Wallace, Secretary of Agriculture of the United States, has executed this order in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 28th day of September 1939.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-3599; Filed, September 28, 1939; 4:26 p. m.]

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 2779]

IN THE MATTER OF STERLING PRODUCTS CORPORATION, ETC.

§ 3.6 (b) (2) *Advertising falsely or misleadingly—Competitors and their products—Competitors' products:* § 3.48 (b) (9m) *Disparaging competitors and their products—Goods—Source of origin—Place.* Representing, in connection with offer, etc., in commerce, of drugs, pharmaceuticals, surgical instruments, dressings and surgical supplies, that Ethyl Chloride Tubes, Ethyl Chloride or any other merchandise of respondent's competitors were made in whole or in part in a foreign country, when in fact said products were made wholly in the United States, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Sterling Products Corporation, etc., Docket 2779, September 12, 1939]

§ 3.6 (a) (3.1) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Business methods and policies:* § 3.6 (a) (30) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Stock:* § 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place—Foreign product as domestic.* Representing, in connection with offer, etc., in commerce, of drugs, pharmaceuticals, surgical instruments, dressings and surgical supplies, that respondent is closing out its stock of foreign-made surgical instruments, when such is not the fact, or that respondent deals only in surgical instruments manufactured wholly in the United States, when in fact respondent fills orders or causes orders to be filled for surgical instruments manufactured in whole or in part in a foreign country, or that respondent's surgical supplies or other merchandise were made in the United States, when in fact said surgical supplies or other merchandise were made in whole or in part in a foreign country, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Sterling Products Corporation, etc., Docket 2779, September 12, 1938]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 12th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF STERLING PRODUCTS CORPORATION, AND STERLING PRODUCTS CORPORATION TRADING AS PAUL HARTMANN AGENCY

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Edward M. Averill, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief filed by counsel for the Commission, respondent not having filed brief, and oral argument not having been requested, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Sterling Products Corporation, trading under its own name and trading as Paul Hartmann Agency, or trading under any other name or names, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of drugs, pharmaceuticals, surgical instruments, dressings and surgical supplies, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that Ethyl Chloride Tubes, Ethyl Chloride or any other merchandise of respondent's competitors were made in whole or in part in a foreign country, when in fact said products were made wholly in the United States;

(2) Representing that respondent is closing out its stock of foreign-made surgical instruments, when such is not the fact;

(3) Representing that respondent deals only in surgical instruments manufactured wholly in the United States, when in fact respondent fills orders or causes orders to be filled for surgical instruments manufactured in whole or in part in a foreign country;

(4) Representing that respondent's surgical supplies or other merchandise were made in the United States, when in fact said surgical supplies or other merchandise were made in whole or in part in a foreign country.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-3601; Filed, September 29, 1939; 9:49 a. m.]

TITLE 29—LABOR

UNITED STATES EMPLOYMENT SERVICE

PART 21—RULES AND REGULATIONS RELATING TO THE COOPERATION OF THE UNITED STATES EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

SECTION 21.5 RESCINDED

Pursuant to the authority vested in it by the provisions of the Wagner-Peyser Act of June 6, 1933 (48 Stat. 113), as amended, and provisions of the Reorganization Act of 1939 (Public No. 19, 76th Congress, First Session), approved April 3, 1939, and of the Reorganization Plan No. 1, effective July 1, 1939.

The Social Security Board hereby rescinds Rule No. 5[1] of the rules and regulations prescribed by the Director of the United States Employment Service, with the approval of the Secretary of Labor, dated June 18, 1938 (Section 21.5, Part 21, Title 29, Code of Federal Regulations) and the "Fiscal Rules and Regulations for State Employment Services Affiliated With the United States Employment Service and Aided by Grants from Both the United States Employment Service and the Social Security Board, Employment Office Manual Series, Section M, Revised."

Adopted by the Board, September 22, 1939.

A. J. ALTMEYER,
Chairman.

Approved, September 28, 1939.

[SEAL] PAUL V. MCNUTT,
Federal Security Administrator.

[F. R. Doc. 39-3602; Filed, September 29, 1939; 9:52 a. m.]

WAGE AND HOUR DIVISION

IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 1 FOR MINIMUM WAGE RATES IN THE TEXTILE INDUSTRY

Whereas on September 13, 1938, pursuant to Section 5 of the Fair Labor Standards Act of 1938 (hereinafter called the Act), the Administrator of the Wage and Hour Division of the United States

[1] 3 F.R. 1470 DI.

Department of Labor by Administrative Order No. 1[1] appointed Industry Committee No. 1 for the textile industry and directed the Committee to recommend minimum wage rates for the textile industry in accordance with the provisions of Section 8 of the Act; and

Whereas the Committee included seven disinterested persons representing the public and a like number of persons representing employees in the textile industry and a like number representing employers in the textile industry, and each group was appointed with due regard to the geographical regions in which the textile industry is carried on; and

Whereas on May 23, 1939, the Committee filed with the Administrator a report containing its recommendation for a 32½ cents an hour minimum wage rate in the textile industry; and

Whereas after notice published in the FEDERAL REGISTER on May 27, 1939,[2] the Administrator held a public hearing upon the Committee's recommendation at Washington, D. C., and Atlanta, Georgia, which commenced on June 19, 1939, and at which all interested persons were given an opportunity to be heard; and

Whereas the Administrator upon consideration of the evidence taken at such hearing has found that the Committee's recommendations are made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act; and

Whereas the Administrator has set forth his decision in an opinion, entitled "Administrator's Findings and Opinion in the matter of the Recommendation of Industry Committee No. 1 for Minimum Wage Rates in the Textile Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, Washington, D. C.;

Now, therefore: *It is ordered*, That—

(1) the Committee's recommendation is hereby approved and, in accordance with such recommendation,

(a) Wages at a rate not less than 32½ cents an hour shall be paid under Section 6 of the Act by every employer to each of his employees in the textile industry who is engaged in commerce or in the production of goods for commerce; and

(b) Every employer employing any employees engaged in commerce or in the production of goods for commerce in the textile industry shall post and keep posted in a conspicuous place in every department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor; and

(c) The textile industry to which this order shall apply is hereby defined as follows:

"(1) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs) from cotton, silk, flax, jute or any synthetic fiber, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in clauses (7) and (8); except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in the establishments manufacturing synthetic fiber;

"(2) The manufacturing of batting, wadding or filling and the processing of waste from the fibers enumerated in clause (1);

"(3) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics (except carpets and rugs) from any fiber or yarn;

"(4) The processing of any textile fabric, included in this definition of this industry, into any of the following products: bags; bandages and surgical gauze; bath mats and related articles; bedspreads; blankets; diapers; dishcloths, scrubbing cloths and wash-cloths; sheets and pillow cases; tablecloths, luncheloths and napkins; towels; and windowcurtains;

"(5) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

"(6) The manufacturing of cordage, rope or twine from any fiber or yarn;

"(7) The manufacturing or processing of yarn or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in clause (1), containing not more than 45 percent by weight of wool or animal fiber (other than silk);

"(8) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk), with any of the fibers designated in clause (1), with a margin of tolerance of 2 percent to meet the exigencies of manufacture."

(d) This wage order shall become effective on October 24, 1939.

Signed at Washington, D. C., this 29th day of September 1939.

ELMER F. ANDREWS,
Administrator.

[F. R. Doc. 39-3613; Filed, September 29, 1939; 12:53 p. m.]

[1] 3 F.R. 2313 DI.
[2] 4 F.R. 270 DI.

TITLE 46—SHIPPING

BUREAU OF MARINE INSPECTION AND NAVIGATION

ENTRY AND CLEARANCE OF AIRCRAFT

REGULATIONS AMENDED

Amendments to regulations relating to entry and clearance of aircraft filed with the FEDERAL REGISTER August 29, 1938 under Title 11, Aviation.[1]

Section 609.3[2] (d) *Clearance* is amended to read as follows:

(d) If export declarations are not at hand covering any or all of the cargo about to be transported by the aircraft, Collectors of Customs are authorized to grant clearance on Commerce Form 1378B, upon the execution of the bond on this form with security approved by the Collector of Customs in the penal sum of $1,000, or upon the execution of the term bond on Form 1380 after receipt of notification from the Secretary of Commerce of the approval of the application for permission to file a term bond; *Provided, however*, That during any period covered by a Proclamation of the President that a state of war exists between foreign nations, no aircraft shall be cleared for a foreign port until all shippers' export declarations covering cargo laden thereon have been filed with the collector.

This amendment becomes effective October 1, 1939.

[(44 Stat. 572, 49 U. S. C. 177; 46 Stat. 761, 19 U.S.C. 1644)]

[SEAL] EDWARD J. NOBLE,
Acting Secretary of Commerce.

[F. R. Doc. 39-3597; Filed, September 28, 1939; 3:59 p. m.]

[1] 3 F.R. 2130 DI.
[2] Now Section 9.3.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 896-FD]

IN THE MATTER OF THE APPLICATION OF BRAZIL BLOCK FUELS, INC., FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

NOTICE OF AND ORDER FOR HEARING

An application, pursuant to Section 12 of the Bituminous Coal Act of 1937, and pursuant to Order No. 6[3] of the National Bituminous Coal Commission, which order has been adopted and ratified as an order of the Bituminous Coal Division, having been duly filed with the Bituminous Coal Division by the above-named party;

[3] 2 F.R. 1078.

It is ordered, That a hearing on such matter be held on October 16, 1939, at ten o'clock, in the forenoon of that day at the hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 500 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, to examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such applicant and to any other person who may have an interest in such proceedings. Any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Bituminous Coal Division on or before October 13, 1939.

The matter concerned herewith is in regard to an application by Brazil Block Fuels, Incorporated, a corporation organized for the purpose of functioning as a selling agency for the coals of producers owning stock in applicant, pursuant to Section 12 of the Bituminous Coal Act of 1937 and to Order No. 6 of the National Bituminous Coal Commission, which order has been adopted and ratified as an order of the Bituminous Coal Division. It is stated that the applicant proposes to act as selling agent for members producing rail coal in the Bituminous Block Coal Fields, which are located in Clay County, Vigo County, Greene County, Owen County, and Spencer County in the State of Indiana; that the coal produced by such producers moves generally north and west into Missouri, Illinois, Iowa, Wisconsin, Minnesota, Northern Indiana and Southern Michigan, and competes with bituminous coal produced in other districts within the States of Illinois, Indiana, Iowa, Kentucky, Ohio and West Virginia.

Dated, September 28, 1939.

H. A. GRAY,
Director.

[F. R. Doc. 39-3604; Filed, September 29, 1939; 11:24 a.m.]

DEPARTMENT OF AGRICULTURE.

Division of Marketing and Marketing Agreements.

DETERMINATION OF THE SECRETARY OF AGRICULTURE, APPROVED BY THE PRESIDENT OF THE UNITED STATES, WITH RESPECT TO AN AMENDMENT TO ORDER NO. 27 REGULATING THE HANDLING OF MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

Whereas the Secretary of Agriculture, pursuant to the powers conferred upon him by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, having reason to believe that the execution of a marketing agreement and the issuance of an amendment to Order No. 27,[1] both of which regulate the handling of milk in the New York Metropolitan marketing area, would tend to effectuate the declared policy of the act, gave, on August 17, 1939, notice of a public hearing which was held at Syracuse, New York, on August 24, 1939, and at New York City, New York, on August 25, 1939, and at said times and places afforded all interested parties an opportunity to be heard on said proposed marketing agreement and proposed amendment to Order No. 27; and

Whereas after said hearing and after the tentative approval by the Secretary on September 12, 1939, of a marketing agreement, handlers of more than fifty percent of the volume of milk covered by such proposed amendment to Order No. 27, which is produced for sale in the New York Metropolitan marketing area, refused or failed to sign such tentatively approved marketing agreement relating to milk:

Now, therefore, the Secretary of Agriculture, pursuant to the powers conferred upon him by said act, hereby determines:

1. That the refusal or failure of said handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

2. That the issuance of the proposed amendment to Order No. 27 is the only practical means, pursuant to such policy, of advancing the interests of producers of milk which is produced for sale in said area; and

3. That the issuance of the proposed amendment to Order No. 27 is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of July 1939, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

In witness whereof, H. A. Wallace, Secretary of Agriculture of the United States, has executed this determination in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 27th day of September 1939.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT
The President of the United States.

Dated, September 27, 1939.

[F. R. Doc. 39-3598; Filed, September 28, 1939; 4:26 p. m.]

[1] 4 F.R. 3901 DI.

Rural Electrification Administration.

[Administrative Order No. 390]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 21, 1939.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Mississippi 0029R1 Oktibbeha	$25,000
Mississippi 0029W2 Oktibbeha	5,000

[SEAL] ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 39-3595; Filed, September 28, 1939; 3:22 p. m.]

[Administrative Order No. 391]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 21, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Mississippi 0029C1 Oktibbeha	$20,000
Mississippi 0029D1 Oktibbeha	55,000

[SEAL] ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 39-3596; Filed, September 28, 1939; 3:22 p. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 58-401(E)-1]

IN THE MATTER OF THE APPLICATION OF ERIE ISLES AIRWAYS COMPANY, INC., FOR A PERMANENT CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

Public hearing in the above-entitled proceeding, being the application of Erie Isles Airways Co., Inc., for a certificate of public convenience and necessity authorizing air transportation between Isle St. George, Ohio, and Port Clinton, Ohio, via Middle Bass, Put-in-Bay, and Kelley's Island, Ohio, now assigned for September 29, 1939,[1] is hereby postponed to a date to be hereafter assigned.

Dated Washington, D. C., September 28, 1939.

[SEAL] ROBERT J. BARTOO,
Examiner.

[F. R. Doc. 39-3603; Filed, September 29, 1939; 11:04 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5776]

IN RE INVESTIGATION OF THE CHARGES, PRACTICES, CLASSIFICATIONS AND REGULATIONS OF MACKAY RADIO AND TELEGRAPH COMPANY (CALIFORNIA), R. C. A. COMMUNICATIONS, INC., COMMERCIAL PACIFIC CABLE COMPANY, GLOBE WIRELESS, LTD., THE WESTERN UNION TELEGRAPH COMPANY, AND POSTAL TELEGRAPH-CABLE COMPANY APPLICABLE TO COMMUNICATION SERVICES BETWEEN SEATTLE, WASHINGTON, PORTLAND, OREGON, AND LOS ANGELES, CALIFORNIA, AND HAWAII, GUAM, AND PHILIPPINE ISLANDS, AND THE CONTRACTS AND TRAFFIC ARRANGEMENTS BETWEEN SAID CARRIERS RELATING THERETO

ORDER AND NOTICE OF HEARING

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 26th day of September, 1939.

Whereas, it appears from tariffs on file with, and other information in the possession of, the Commission that Mackay Radio and Telegraph Company (California), R. C. A. Communications, Inc., Commercial Pacific Cable Company, Globe Wireless, Ltd., The Western Union Telegraph Company, and Postal Telegraph-Cable Company are engaged in or participate in the handling of public message telegraph traffic between Portland, Oregon, Seattle, Washington, and Los Angeles, California, on the one hand and Hawaii, Guam, and the Philippine Islands on the other hand, which said traffic is relayed through San Francisco; and

Whereas it appears that in the handling of said transpacific traffic lower charges are applied to traffic between Seattle and Los Angeles on the one hand and Hawaii, Guam, and the Philippine Islands on the other hand than are applied to traffic between Portland, Oregon, and said transpacific points, which said differential in charges results, or may result, in an unjust or unreasonable discrimination in charges or an undue or unreasonable prejudice or disadvantage to persons, classes of persons, or the locality in and around Portland, Oregon;

It is ordered, That the Commission, upon its own motion and without formal pleadings, enter upon an investigation into and concerning the charges, practices, classifications, and regulations of Mackay Radio and Telegraph Company (California), R. C. A. Communications, Inc., Commercial Pacific Cable Company, Globe Wireless, Ltd., The Western Union Telegraph Company, and Postal Telegraph-Cable Company for and in connection with public message telegraph traffic between Seattle, Washington, Portland, Oregon, and Los Angeles, California, on the one hand and Hawaii, Guam, and the Philippine Islands on the other hand, and any and all contracts and traffic arrangements relating thereto, with a view to determining whether such charges, practices, classifications, regulations, contracts, and arrangements, or any of them, are unjustly or unreasonably discriminatory, prejudicial, or disadvantageous to or against any person, class of persons, or locality, or in any respect in violation of law and of making such findings and orders in the premises and of prescribing such lawful charges, practices, or regulations, or taking such other and further action as the facts and circumstances may appear to warrant:

It is further ordered, That each of the above-named carriers be, and it is hereby, made a party defendant to this proceeding and that a copy of this order be forthwith served upon each of them, and that notice to the public be given by posting a copy in the office of the Secretary of the Commission and by publication in the FEDERAL REGISTER:

It is further ordered, That this proceeding be, and it is hereby, assigned for hearing the 30th day of October, at 10:00 a. m., at the offices of the Federal Communications Commission in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 39-3608; Filed, September 29, 1939; 12:02 p. m.]

[1] 4 F.R. 3146 DI

[Docket No. 5775]

IN RE APPLICATION OF MICHIGAN WIRELESS TELEGRAPH COMPANY, (NEW)

Dated, August 10, 1939; for construction permit; class of service, public coastal; class of station, coastal harbor; location, Wyandotte, Mich.; operating assignment specified: Frequencies, 2182, 2514, 2572, 2738, 4282.5 kcs.; power, 600 w., day; 400 w., night; emission A1, A2, A3; hours of operation, unlimited; points of communication, ships operating on Great Lakes and connecting water and tributaries

[File No. P2-PC-64]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing to be held at the offices of the Commission, Washington, D. C., on November 13, 1939, at 10:00 o'clock A. M., E. S. T., for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant.

2. To determine whether the frequencies applied for are available for use as requested.

3. To determine whether the station equipment and mode of operation conform to good engineering practice.

4. To determine the need for the type of service proposed.

5. To determine whether interference would be caused to any existing station in this or other services.

6. To determine whether public interest, convenience and necessity would be served.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Michigan Wireless Telegraph Company, Biddle Avenue, Wyandotte, Michigan.

Dated at Washington, D. C., September 27, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-3607; Filed, September 29, 1939; 12:02 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-138]

IN THE MATTER OF COLORADO-INTERSTATE GAS COMPANY

ORDER FIXING DATE OF HEARING AND SUSPENDING RATE SCHEDULE

SEPTEMBER 27, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) On August 19, 1938, the Colorado-Interstate Gas Company filed with the Federal Power Commission its agreement, dated October 3, 1929, with the Colorado-Wyoming Gas Company, designated in the files of the Commission as Colorado-Interstate Gas Company Rate Schedule F.P.C. No. 3, providing for the sale of natural gas by the Colorado-Interstate Gas Company to the Colorado-Wyoming Gas Company for resale;

(b) On August 19, 1938, the Colorado-Interstate Gas Company filed with the Commission its supplemental agreement, dated October 8, 1929, with the Colorado-Wyoming Gas Company, designated in the files of the Commission as Supplement No. 1 to Colorado-Interstate Gas Company Rate Schedule F.P.C. No. 3, modifying that article of said Rate Schedule F.P.C. No. 3 which specifies the prices to be paid for the natural gas sold;

(c) Said agreement of October 3, 1929, as modified by the supplemental agreement of October 8, 1929, provides for certain periodic increases in the rates to be paid by the Colorado-Wyoming Gas Company, which proposed increases are to take effect at the expiration of each five year period during the life of said agreement;

(d) On August 26, 1939, the Colorado-Interstate Gas Company, acting pursuant to the provisions of Section 54.3-C of the Rules of Practice and Regulations Under the Natural Gas Act and Commission Order No. 57, filed with the Commission a document, dated August 25, 1939, designated in the files of the Commission as Supplement No. 1 to Supplement No. 1 to Colorado-Interstate Gas Company Rate Schedule F.P.C. No. 3, providing that in accordance with the terms of said agreement of October 3, 1929, as modified by said supplemental agreement of October 8, 1929, an increased rate for natural gas sold to the Colorado-Wyoming Gas Company would take effect on September 28, 1939;

(e) Said Supplement No. 1 to Supplement No. 1 to Colorado-Interstate Gas Company Rate Schedule F.P.C. No. 3 sets forth certain statements purporting to justify the proposed increase in rates;

(f) The increased schedule of rates contained in said Colorado-Interstate Gas Company Rate Schedule F.P.C. No. 3, as modified by Supplement No. 1 thereto, which the said Supplement No. 1 to Supplement No. 1 proposes to make effective on September 28, 1939, may result in excessive rates to the Colorado-Wyoming Gas Company, or place an undue burden upon ultimate consumers of natural gas, which increased schedule of rates has not been shown to be justified;

The Commission finds that:

It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon but not for a longer period than five months from September 28, 1939;

The Commission, upon its own motion, orders that:

(A) A public hearing be held on October 30, 1939, at 10 o'clock a. m., in the hearing room of the Federal Power Commission, in the Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates which the document of August 25, 1939, designated in the files of the Commission as Supplement No. 1 to Supplement No. 1 to Colorado-Interstate Gas Company Rate Schedule F.P.C. No. 3, proposes to make effective as of September 28, 1939;

(B) Pending such hearing, the agreement of October 3, 1929, as modified by the supplemental agreement of October 8, 1929, between the Colorado-Interstate Gas Company and the Colorado-Wyoming Gas Company, as filed with the Commission on August 19, 1938, and as further modified by the document of August 25, 1939, as filed with the Commission on August 26, 1939, designated in the files of the Commission as Colorado-Interstate Gas Company Rate Schedule F.P.C. No. 3, and Supplement No. 1, and Supplement No. 1 to Supplement No. 1 thereto, respectively, in so far as they provide for an increase in rates to take effect as of September 28, 1939, be and the same are hereby suspended for the period of five months beyond September 28, 1939, unless the Commission shall otherwise order;

(C) During the said period of suspension the rates now being collected and received by the Colorado-Interstate Gas Company from the Colorado-Wyoming Gas Company, as provided in the said Colorado-Interstate Gas Company Rate Schedule F.P.C. No. 3 and Supplements Nos. 1 and 3 thereto, shall remain and continue in full force and effect.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 39-3600; Filed, September 29, 1939; 9:09 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of September, A. D. 1939.

[File No. 32-173]

IN THE MATTER OF NORTHWESTERN ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on October 16, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 12, 1939.

The matter concerned herewith is in regard to the proposed issuance and sale of securities by Northwestern Electric Company, a direct subsidiary of American Power & Light Company a registered holding company, and an indirect sub-

sidiary of Electric Bond and Share Company, also a registered holding company.

The securities proposed to be issued are of the following types in the principal amounts designated:

First Mortgage Bonds, 4% Series, due 1969	$6,700,000
4½% Debentures due 1959	2,800,000
	9,500,000

The bonds and debentures are expected to be sold privately at the principal amounts. It is stated that there will be no underwriting discount or commission. However, in the estimated total expenses of $77,000 is included a proposed payment of $35,000 to The First Boston Corporation for services as an agent in negotiating the sale of the bonds.

The net proceeds of the issuance and sale of the Bonds and Debentures ($9,423,000 exclusive of accrued interest but after deducting estimated expenses in connection therewith), are to be expended or otherwise used for the following purposes:

(1) To deposit with Harris Trust and Savings Bank, the Corporate Trustee, under the Trust Indenture made by the Applicant to said Corporate Trustee dated May 1, 1915, in trust, cash equal to principal, and premium (exclusive of accrued interest) required for redemption (in accordance with the terms of the said Trust Indenture) on May 1, 1940 of the Applicant's outstanding First Mortgage Twenty Year Sinking Fund Gold Bonds, as extended to May 1, 1945, less cash in sinking fund amounting to $210,837.34 and cash in special deposits amounting to $7,501.81 with trustee	$5,314,717.85
(2) To pay the $2,819,609.51 principal amount of indebtedness (exclusive of accrued interest) owing by the Applicant to American Power & Light Company	2,819,609.51
(3) To reimburse the Applicant's treasury, in part, for expenditures heretofore made for extensions and improvements of the Applicant's facilities	1,288,672.64
Total	9,423,000.00

After the sale of the said securities and the reimbursement of the Applicant's treasury as above stated, the Applicant intends, upon appropriate declaration thereof, to pay from Applicant's earned surplus previously undeclared dividends on Applicant's First Preferred Stock (7%) and Preferred Stock (6%) amounting to a total of $1,057,381.29 as of June 30, 1939.

It is proposed that the issuance of the securities will be authorized by the Department of Public Service of Washington and by the Public Utilities Commissioner of Oregon.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3610; Filed, September 29, 1939; 12:13 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of September, A. D. 1939.

[File No. 51-23]

IN THE MATTER OF SECURITIES CORPORATION GENERAL

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 12 (c) and Rule U-12C-2 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on October 16, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 11, 1939.

The matter concerned herewith is in regard to an application under Rule U-12C-2 for the approval of the declaration and payment by Securities Corporation General of a dividend at the rate of $1.75 per share on the 1,843 shares of its Cumulative Preferred Stock, $7 Series, which are outstanding, and a dividend at the rate of $1.50 per share on the 4,731 shares of its Cumulative Preferred Stock, $6 Series, which are outstanding. The aggregate amount of these dividends will be $10,321.75.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3609; Filed, September 29, 1939; 12:13 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of September, A. D. 1939.

[File No. 43-253]

IN THE MATTER OF NEPSCO APPLIANCE FINANCE CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on October 16, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 10, 1939.

The matter concerned herewith is in regard to a declaration filed by Nepsco Appliance Finance Corporation, a subsidiary of New England Public Service Company, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issuance of the declarant's unsecured promissory notes not to exceed in the aggregate $1,200,000 to commercial banks or trust companies of the declarant's selection. $765,000 of said notes will be used to discharge as they mature promissory notes of the declarant presently outstanding, and all of said $1,200,000 will be used for financing the declarant's business as a mutual service company for the New England Public Service Company holding-company system.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3611; Filed, September 29, 1939; 12:13 p. m.]